

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHARLES R. BOWLDS,

Plaintiff,

v.

TURN KEY HEALTH, et al.,

Defendants.

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Case No. CIV-19-726-SLP

REPORT AND RECOMMENDATION

On August 3, 2020, Plaintiff filed a “Renewed Motion for Preliminary Injunction.” (ECF No. 55). The Court should deny the Motion as moot. In the Motion, Plaintiff seeks preliminary injunctive relief in the form of: (1) “medical records ... confirm[ing] the Plaintiff’s Numerous request[s] for Medical/Dental treatment [and] the results of the Medical Providers examinations;” and (2) treatment from a dentist. (ECF No. 55:16).

Regarding the “medical records,” Mr. Bowlds has referenced:

1. A January 1, 2020 record from the provider;
2. A January 9, 2020 “Emergency Medical Request” to see a dentist; and
3. A January 11, 2020 note from “Nurse Pashen” who recommended Plaintiff see the health care provider.

(ECF No. 55:7). These records were produced in the Sealed Exhibits to the Special Report, found at ECF No. 61, which were sent to Mr. Bowlds on August 5, 2020. *See* ECF Nos. 61:2; 61-8:43, 43. And in another pleading, ECF No. 69, Mr. Bowlds confirms that the “provider” approved a dental visit, and on August 28, 2020, he saw a dentist at “Proud Dental” in Guthrie, Oklahoma, who treated two of his teeth. (ECF No. 69:4-5, 7-8).

"The hallmark of a moot case or controversy is that the relief sought can no longer be given or is no longer needed." *Unified Sch. Dist. No. 259 v. Disability Rights Ctr. of Kan.*, 491 F.3d 1143, 1150 (10th Cir. 2007). Here, Plaintiff's request for medical records and a dental visit have been rendered moot due to the fact that the records have been produced and Mr. Bowlds has been treated by a dentist.

RECOMMENDATION AND NOTICE OF RIGHT TO OBJECT

The Court should **DENY** Plaintiff's "Renewed Motion for Preliminary Injunction" **(ECF No. 55)** as moot.

The parties are hereby advised of their right to object to this Report and Recommendation. *See* 28 U.S.C. § 636. Any objection must be filed with the Clerk of the District Court by **October 9, 2019**. *See* 28 U.S.C. § 636(b)(1); and Fed. R. Civ. P. 72(b)(2). Failure to make timely objection to this Report and Recommendation waives the right to appellate review of both factual and legal questions contained herein. *Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

STATUS OF THE REFERRAL

This Report and Recommendation does not terminate the referral.

ENTERED on September 22, 2020.



SHON T. ERWIN
UNITED STATES MAGISTRATE JUDGE